



# Town of Southern Shores

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Resolution 2009-10-14

## RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA, AMENDING PERSONNEL POLICY ARTICLE V, CONDITIONS OF EMPLOYMENT-LIGHT DUTY

**WHEREAS**, the Town Council for the Town of Southern Shores approved and adopted a personnel policy on August 5, 2003 (the "Town Personnel Policy"); and

**WHEREAS**, the Town Council approved and adopted the Town Personnel Policy in order to provide certain protections for the Town of Southern Shores and its employees; and

**WHEREAS**, the adoption and approval of an amendment to the Town's Personnel Policy detailing the eligibility, options and procedures associated with light-duty status would be in the best interests of the Town of Southern Shores and its employees.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of Southern Shores that the Town Personnel Policy Article V – Conditions of Employment hereby amend Section 3. Eligibility for Light-Duty Status and Section 6. Return from Light-Duty Status to Regular Duty as stated below in italics:

### **Section 3. Eligibility for Light-Duty Status**

An employee is eligible for light-duty status when the following conditions are met:

- a. *A job related or non-job related injury or illness which restricts the employee's ability to perform the essential functions of his or her job. The employee must provide the Town with the certification of a licensed physician knowledgeable about the employee's condition(s) and the requirements of the job, which sets out a definite time after which the employee should be able to return to full duty. The physician must also certify that in the interim the employee can safely perform duties as described.*
- b. ~~The employee suffers from a job-related injury or illness and their claim is accepted by the worker's compensation administrator for the Town. In a worker's compensation situation, if the examining physician certifies that the employee is able to safely resume light duty work, upon the Town's request that the employee return to light duty work, the employee must do so.~~
- c. ~~The injury or disease temporarily restricts the employee's ability to perform the essential functions of his or her job. The employee must provide the Town with the certification of a licensed physician knowledgeable about the employee's condition(s) and the requirements of the job, which sets out a definite time after which the employee should be able to return to full duty. The physician must also certify that in the interim the employee can safely perform light duty as described. In a non-worker's compensation situation the employee must submit an evaluation by a physician that certifies the employee is capable of light duty work and the employee must report for light duty work upon the Town's request.~~

- d. ~~Work beneficial to the Town must exist with duties which can safely be performed by a person within the restrictions indicated by the physician. In order to be allowed light duty status, duties must exist which can safely be performed by a person with the restrictions indicated by the physician.~~

#### **Section 6. Return from Light-Duty Status to Regular Duty**

An employee will be returned to regular duty as soon as the employee's conditions permit. However, before an employee placed on light-duty status may be transferred back to regular duty, the employee must provide a physician's certification that he or she can return to work without restrictions. Return to regular duty must be approved by the Town Manager, following consideration of recommendations by the department head and the Personnel Officer. Once approved, the employee must immediately return to regular duty. Failure to comply with any requirements during a light-duty assignment or to perform adequately while on light-duty is grounds for discipline, including dismissal.

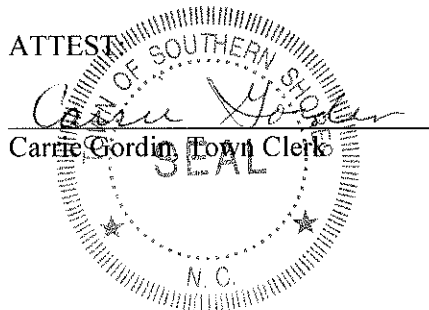
In no event will an employee be allowed to remain on light-duty for longer than 6 1/2 months. Employees who are unable to return to duty on their usual schedule and perform the essential functions of their usual position with or without a reasonable accommodation for a period of 6 consecutive months will be terminated except in those situations where additional leave is required by the ADA.

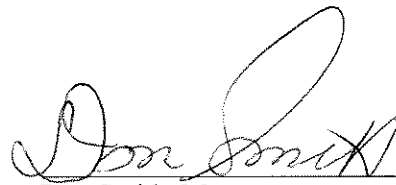
If all of these conditions are met, the Town may request and require the employee to return to light-duty work. An employee eligible for FMLA under the Town's FMLA policy may accept, but may not be compelled to accept, a light-duty position during their FMLA leave. An employee who elects not to accept a light-duty assignment while on FMLA leave will not be terminated for such election during their FMLA leave, but could be subject to a suspension or decrease in their worker's compensation benefits as determined by the worker's compensation administration.

The Town is under no obligation to create a position in order to offer any employee light-duty.

Adopted this 27<sup>th</sup> day of October, 2009.

ATTEST



  
Don Smith, Mayor